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MESSAGE COVER SHEET**

Date: January 22, 2004

Please deliver the following pages to:

Name: Examiner Jaydi A. Aguirrechea

Company: PTO - Group 2834

Fax No.: (703)746-8597

From: Melvin Kraus

ANTONELLI, TERRY, STOUT & KRAUS, LLP

Fax No.: (703) 312-6666

Re: Serial No. 09/912,527  
Attorney Docket: 503.38383CX1

Special Instructions: As requested, attached please find a copy of the Declaration as submitted in the parent application Serial No. 09/509,768, and a copy of the papers requesting Renewed Request for Status under 37 CFR 1.42 filed May 20, 2002, and the Decision dated July 17, 2002 accepting the Declaration as filed March 31, 2000 in the parent application.

Total Number of pages including cover sheet: 12

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## DECLARATION AND POWER OF ATTORNEY FILED WITH U.S. DESIGNATED OFFICE UNDER 35 U.S.C. 371(c)(4)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are, as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ROTATING ELECTRIC MACHINE AND COOLING METHOD THEREOF

the specification of which was filed as PCT International Application No. PCT/JP99/04790  
 filed September 3, 1999 and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

## Prior Foreign Application(s)

## Priority Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby appoint as principal attorneys; Donald R. Antonelli, Reg. No. 20,296; David T. Terry, Reg. No. 20,178; Melvin Kraus, Reg. No. 22,466; Stanley A. Wal, Reg. No. 26,432; William I. Solomon, Reg. No. 28,565; Gregory E. Montone, Reg. No. 28,141; Ronald J. Shore, Reg. No. 28,577; Donald E. Stout, Reg. No. 26,422; Alan E. Schiavelli, Reg. No. 32,087 and James N. Dresser, Reg. No. 22,973 to prosecute and transact all business connected with this application and any related United States application and international applications. Please direct all communications to the following address:

Antonelli, Terry, Stout & Kraus  
Suite 1800  
1300 North Seventeenth Street  
Arlington, Virginia 22209  
Telephone: (703) 312-6600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

宣誓日	発明者フルネームサイン	氏名タイプ欄
Date <u>3/3/2000</u>	Inventor <u>Kazumasa Ide</u>	Kazumasa IDE
Residence <u>Same as Post Office Address</u>	Citizenship <u>Japan</u>	
Post Office Address <u>870-90, Tenjinbayashicho, Hitachiohta-shi, Ibaraki 313-0049 Japan</u>		
Date <u>3/3/2000</u>	Inventor <u>Kenichi Hattori</u>	Kenichi HATTORI
Residence <u>Same as Post Office Address</u>	Citizenship <u>Japan</u>	
Post Office Address <u>19-5-201, Ishinazakacho 1-chome, Hitachi-shi, Ibaraki 319-1225 Japan</u>		
Date <u>3/3/2000</u>	Inventor <u>Akiyoshi Komura</u>	Akiyoshi KOMURA
Residence <u>Same as Post Office Address</u>	Citizenship <u>Japan</u>	
Post Office Address <u>Usagidaira Ryo, 1-1, Jyonancho 4-chome, Hitachi-shi, Ibaraki 317-0077 Japan</u>		
Date _____	Inventor <u>(Deceased)</u>	Mitsunori YAMASHINA
Residence <u>Same as Post Office Address</u>	Citizenship <u>Japan</u>	
Post Office Address <u>12-9-3, Nishinarusawacho 3-chome, Hitachi-shi, Ibaraki 316-0032 Japan</u>		
Date <u>3/3/2000</u>	Inventor <u>Tadashi Sonobe</u>	Tadashi SONOBE
Residence <u>Same as Post Office Address</u>	Citizenship <u>Japan</u>	
Post Office Address <u>1-1-1, Sekidanishi, Nakosomachi, Iwaki-shi, Fukushima 979-0146 Japan</u>		
Date <u>3/3/2000</u>	Inventor <u>Akitomi Semba</u>	Akitomi SEMBA
Residence <u>Same as Post Office Address</u>	Citizenship <u>Japan</u>	
Post Office Address <u>5-1-104, Nishinarusawacho 1-chome, Hitachi-shi, Ibaraki 316-0032 Japan</u>		

宣誓日 発明者フルネームサイン 氏名タイプ欄  
Date 3/7/2000 Inventor Junji Sato Junji SATO  
Residence Same as Post Office Address Citizenship Japan  
Post Office Address 9-9, Suwacho 6-chome, Hitachi-shi, Ibaraki 316-0001 Japan

Date 3/3/2000 Inventor R. Shiodara Ryoichi SHIOBARA  
Residence Same as Post Office Address Citizenship Japan  
Post Office Address 11-4, Takasuzucho 5-chome, Hitachi-shi, Ibaraki 317-0066 Japan

Date 3/10/2000 Yoko Yamashina Yoko YAMASHINA  
Heiress, a Japanese citizen, residing at 12-9-3, Nishinarusawacho  
3-chome, Hitachi-shi, Ibaraki 316-0032 Japan.

on behalf of deceased inventor Mitsunori YAMASHINA

503.38383X00

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): IDE, et al

Serial No.: 09/509,768

Filed: March 31, 2000

For: ROTATING ELECTRIC MACHINE AND COOLING METHOD  
THEREOFRENEWED REQUEST FOR STATUS UNDER 37 CFR 1.42Commissioner for Patents  
Washington, D.C. 20231

May 20, 2002

Sir:

In response to the decision dated March 19, 2002 in connection with the above-identified application, applicants request reconsideration of the dismissal in that applicants submit that the Declaration as filed March 31, 2000 and signed by Yoko Yamashina, heiress, on behalf of deceased inventor Mitsunori Yamashina is a signature by the heir having the legal representation for the estate.

Submitted herewith is the family register, in Japanese, indicating that the heirs of the deceased Mitsunori Yamashina are his wife, Yoko Yamashina, and his minor children including his first son of six (6) years old, Takahiro Yamashina, his first daughter of five (5) years old, Miki Yamashina, and his second daughter of three (3) years old, Eri Yamashina. Further, submitted herewith in Japanese as well as attached English translations, are declarations by each of the minor

children and as executed by their mother as the legal representative, indicating that the children have waived their inheritance rights with respect to the above identified application.

In light of this submission, applicants submit that the Declaration as filed on March 31, 2000, should be considered an acceptable Declaration, and favorable consideration is respectfully requested.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (503.38383X00) and please credit any excess fees to such deposit account.

Respectfully submitted,



Melvin Kraus  
Registration No. 22,466  
ANTONELLI, TERRY, STOUT & KRAUS, LLP

MK/cee  
Attachments  
(703) 312-6600

## 宣 誓 書

私、日本国茨城県日立市西成沢町3丁目12番9-3号在住の、故山品光則  
の長男である、山品貴大は、

井出一正ほかの出願に係る米国出願第09/509,768号(2000年  
3月31日出願)についての米国における特許を受ける権利

に関し、その相続権を放棄することをここに宣言する。

2002年 5月14日

茨城県日立市西成沢町3丁目12番9-3号

山品 貴大



同 所  
法定代理人

山品 陽子





**DECLARATION**

I, Miki Yamashina, first daughter of late Mitsunori Yamashina, residing at 12-9-3, Nishinarusawacho 3-chome, Hitachi-shi, Ibaraki, 316-0032 Japan, hereby declare to relinquish

the inheritance of the right for asking for a patent in the United States of America in connection with U.S. Serial No. 09/509, 768 filed on March 31, 2000, by K. Ide et al..

May 14, 2002

12-9-3, Nishinarusawacho 3-chome, Hitachi-shi, Ibaraki  
Miki Yamashina

Same address as above

Legal Representative

Yoko Yamashina  
Yoko Yamashina

川崎市麻生区千代ヶ丘四丁目十七番地十四		氏名		山品光則	
昭和六拾年拾貳月貳拾五日編製		父		山品満	長男
		母		シヤ子	男
昭和参拾壹年拾貳月貳拾壹日愛媛県新居郡角野町で出生同月貳拾五日父届出		父		山品満	長男
出同月貳拾八日同町長から送付入籍		母		シヤ子	男
昭和六拾年拾貳月拾九日小林場子と婚姻届出同月貳拾五日茨城県日立市長から送付川崎市麻生区千代ヶ丘四丁目十七番地十四山品満戸籍から入籍		父		山品満	長男
平城拾貳年拾月四日午前七時四拾五分茨城県日立市で死亡同日親族山品陽子届出同月拾壹日同市長から送付除籍		夫		山品満	男
陽子届出同月拾壹日同市長から送付除籍		妻		山品満	男
昭和参拾四年七月貳拾五日茨城県日立市で出生同年八月六日父届出入籍		父		小林昭	二女
昭和六拾年拾貳月拾九日山品光則と婚姻届出同月貳拾五日茨城県日立市長から送付同市諏訪町三丁目千六十六番地小林昭戸籍から入籍		母		文江	二女
平城拾貳年拾月四日夫死亡		妻		文江	二女
昭和六拾貳年参月九日茨城県日立市で出生同月拾参日父届出同月拾八日同市長から送付入籍		父		山品光則	長女
		母		陽子	女
美希		妻		陽子	女
昭和参拾四年参月九日		父		山品光則	長女
出生		母		陽子	女

（ハ）の勝本は、平経の原と相違ないことを認証する。



17 JUL 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

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503.38383X00

In re Application of IDE et al  
U.S. Application No.: 09/509,768  
Int. Application No.: PCT/JP99/04790  
Int. Filing Date: 03 September 1999  
Attorney Docket No.: 501.38383X00  
For: DYNAMO-ELECTRIC MACHINE

ml  
DECISION

This is in response to applicant's "Renewed Request for Status under 37 CFR 1.42" filed 20 May 2002.

### BACKGROUND

On 03 September 1999, applicant filed international application PCT/JP99/04790. A copy of the international application was communicated to the USPTO from the International Bureau on 15 March 2001. A Demand for international preliminary examination, in which the United States was elected, was filed on 13 October 1999, prior to the expiration of nineteen months from the filing date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 04 March 2002 (03 March 2002 was a Sunday).

On 31 March 2000, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and a declaration executed by seven of the eight joint inventors. The declaration is also executed by an heiress of inventor Mitsunori Yamashina, who according to the declaration is deceased.

On 19 March 2002, this Office mailed a decision dismissing the 31 March 2000 request for status.

On 20 May 2002, applicant filed the present renewed request for status.

Application No.: 09/509,768

-2-

**DISCUSSION**

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

In the present case, the declaration filed 31 March 2000 is signed by the legal representative of Mitsunori Yamashina.

**CONCLUSION**

The declaration filed 31 March 2000 is ACCEPTED under 37 CFR 1.42.

The application has an International Filing Date of 03 September 1999 and a date under 35 U.S.C. 371(c) of 31 March 2000.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

Telephone: 703-308-6614

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